

Waste Storage, Mixing and Processing Requirements Effective March 31, 2006

Regulation 347 of the Revised Regulations of Ontario, 1990, made under the *Environmental Protection Act* (EPA), was amended by Ontario Regulation 461/05 to put in place a land disposal restriction (LDR) program in Ontario. The program is to be phased in over the next four years to assist hazardous waste generators and the waste management industry in transitioning to the new requirements.

The regulatory amendments that deal with the storage, mixing and processing of wastes took effect on March 31, 2006 and are summarized as follows:

Reg.347 Section	Who does this apply to?	Description
17.1	Waste generation facilities (whose principal function is not waste management)	<ul style="list-style-type: none"> On-site handling, mixing and processing of municipal, liquid industrial and hazardous wastes where no certificate of approval (C of A) is required
17.2	Waste generation facilities (whose principal function is not waste management)	<ul style="list-style-type: none"> On-site storage requirements for liquid industrial and hazardous wastes
14.0.1	Waste disposal sites	<ul style="list-style-type: none"> Prohibit mixing for hazardous wastes
16(1),5.1	Waste management systems (carriers)	<ul style="list-style-type: none"> Prohibit mixing for the transfer and transport of hazardous wastes

These regulatory amendments address the management of hazardous wastes within the new land disposal restriction program. In addition, the part of the regulation pertaining to the on-site handling, mixing and processing of wastes clarifies if a certificate of approval (C of A) under Part V of the EPA is required or not. The generator should note that although a C of A may not be required under Part V of the EPA for these activities, other C of A requirements (i.e., air) could apply.

The term **“mixing”** used in this fact sheet includes mixing, bulking, blending or other intermingling of the waste with any other waste or material

The term **“subject waste”** includes liquid industrial waste and hazardous waste. It also includes hazardous waste that has been treated so that it is no longer hazardous but still contains additional contaminants that need to be treated to meet the LDR standards.

On-site handling, mixing, and processing of waste (Section 17.1)

Section 17.1 applies to all waste generation facilities that handle, mix or process wastes. It identifies the conditions under which a C of A is not required for various types of waste management practices. This section does not exempt a facility from requiring a C of A to receive waste from off-site generators. There are specific cases where Section 17.1 does not apply that are described at the end of this section.

Sections 17.1 and 17.2 of Regulation 347 apply only to waste generation facilities whose **principal function is not waste management**.

If a waste is generated on-site, or obtained legally from off-site generators, a C of A is not required for the following on-site waste management practices.

Waste Handling (S. 17.1(2)1. and 2.)

No C of A is required for activities related to the production, collection, handling or temporary storage of municipal waste or subject waste.

Waste Processing (S. 17.1(2)3. through 5.)

No C of A is required for the processing of waste on-site unless it involves any of the following:

- the combustion or land application of municipal waste, hazardous waste or liquid industrial waste,
- the mixing of any waste or other material with wastes that are subject to LDR treatment requirements, or
- the processing of soil.

There are specific circumstances where the processing of waste on-site may involve combustion of municipal waste or mixing of hazardous wastes that are subject to LDR requirements. In these specific circumstances no C of A is required if:

- the processing of municipal waste occurs at an on-site incinerator where no hazardous or liquid industrial waste is incinerated (this specific case is outlined in Section 28 of Regulation 347),
- the processing includes the mixing of characteristic or listed waste with other waste or material if it is part of the processing needed to meet the LDR requirements, or
- the processing includes the mixing of characteristic or listed waste with other waste or material if the waste is transported to a receiving facility that has a C of A that allows this practice, and the receiver has agreed to accept the processed waste.

Waste recycling (S. 17.1(2)6.)

No C of A is required for the processing of waste such that it becomes exempt from Part V of the EPA in accordance with the requirements of paragraph 7 of subsection 3 (1) of Regulation 347.

Wastewater Discharge (S.17.1(2)7.)

No C of A is required for wastes introduced or processed to be introduced into a sewage works subject to the *Ontario Water Resources Act* or that was established before August 3, 1957, or a sewage system that is regulated under Part 8 of Ontario Regulation 403/97 (Building Code) made under the *Building Code Act, 1992*.

Retail Sale (S.17.1(2)8.)

No C of A is required for the packaging or offering of waste, or any processing of waste needed to package or offer the waste, for retail sale to meet a realistic market demand.

Waste Transfer to a Waste Transportation Vehicle (S. 17.1(2)9 through 11)

No C of A is required for the transfer of waste to a waste transportation vehicle for the following three scenarios:

- when municipal waste, or subject waste that can be land disposed, is transferred,
- when hazardous waste that cannot be land disposed (i.e. is subject to LDR requirements) is transferred but not mixed with any other waste or material, or
- when hazardous waste that cannot be land disposed (i.e. is subject to LDR requirements) is mixed with any other waste or material and transferred, provided that:
 - the mixing is in accordance with the C of A for the receiving facility and the carrier has a document from the receiver agreeing to accept the mixed waste, or
 - the mixing is in accordance with the C of A for a waste transportation system that includes the vehicle that the waste is transferred to.

Specific Cases Where Section 17.1 Does Not Apply

Section 17.1 does not apply to PCB waste. Generators that handle, store or process PCB waste on-site must do so in accordance with Revised Regulations of Ontario, 1990, Regulations 362 and 352 and with other provisions of Regulation 347. Also note that federal regulations dealing with PCB storage and treatment may apply.

Section 17.1 does not apply to a waste generation facility that receives soil or soil mixtures from off-site. Therefore, a C of A is required to manage these wastes.

On-Site Storage of Subject Waste (Section 17.2)

Section 17.2 of Regulation 347 applies to waste generation facilities that store subject waste. These storage requirements apply to wastes generated on-site or obtained legally from off-site generators, at facilities whose principal function is not waste management. Section 17.2 does not apply for those specific cases described above, where section 17.1 does not apply. The storage requirements for subject wastes are summarized below.

Generators are required to properly manage wastes at their facilities, including ensuring that they are stored in an environmentally safe manner. Wastes must be stored, handled and maintained to prevent leaks or spills of the waste, or damage to or deterioration of the container in which the waste is stored.

The first time that a subject waste is stored for more than 90 days, a notice must be given to the Regional Director of the Ministry of the Environment, providing information about the stored waste and future plans with respect to storage and disposal of the waste. The submission of this notice can be made using the "Notice of the Storage of Subject Waste", revised March/06, which is available from the ministry's website (www.ene.gov.on.ca) or through a ministry district office.

Further written notice must be given to the Regional Director within five business days only if there is any change in the original information submitted, or if the waste generation facility closes.

Generators that store subject waste for more than 90 days are also required to maintain a record of information about the waste that is stored. The “Notice of the Storage of Subject Waste” includes the information that must be recorded and can therefore be used to meet the record keeping requirements. The record must be kept at the location where the waste is stored and for at least two years after the waste is no longer stored.

The 90 day storage period begins as soon as a subject waste is first stored at a waste generation facility. The 90 day storage period does not start when a container used to store the waste is full and ready to be shipped off-site for disposal.

Subject waste cannot be stored for more than 24 months unless an application for a C of A has been made. The 24 month period starts when the subject waste is first stored after March 31, 2006 (the date this requirement takes effect).

Requirements for Waste Disposal Sites and Waste Management Systems (Sections 14.0.1 and 16(1)5.1)

The following is a summary of the requirements that deal with the mixing of hazardous wastes for waste disposal sites and waste management systems.

Section 14.0.1 states that hazardous waste managed at or transferred to a waste disposal site may only be mixed with other waste or material in accordance with the C of A for the waste disposal site.

Paragraph 5.1 of subsection 16 (1) states that hazardous waste transferred to or from, or transported in, a waste transportation vehicle may only be mixed with other waste or material if:

- the mixing is in accordance with the C of A or provisional C of A issued for the receiving facility named in the related manifest and the carrier has a document from the receiving facility agreeing to accept the mixed waste, or
- the mixing is in accordance with the C of A or provisional C of A for a waste transportation system that includes the waste transportation vehicle

This fact sheet should be used in conjunction with Regulation 347. Reference should be made to Regulation 347 for specific wording and legal requirements.

For more information contact:
Waste Management Policy Branch
Ministry of the Environment
135 St. Clair Avenue West, 8th Floor
Toronto, ON M4V 1P5
Tel: (416) 325-4440
Fax: 416 325-4437
Web: www.ene.gov.on.ca